



**UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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PENNIE & EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

18M2/0903

CHERESKIN, EXAMINER	
ART UNIT	PAPER NUMBER
1804	

DATE MAILED:

09/03/93

The office action of 8/26/93 is vacated with regard to the suggestion
to copy claims in favor of the action set forth below. The time for response
Please find below a communication from the EXAMINER in charge of this application.
is hereby reset to give Applicants two (2) months from the original date of
8/26/93 to respond to this action in accordance with MPEP 710.02 (Commissioner of Patents.
5 that the office action with regard to claims 15-44 and 46-52 is not vacated
and the clock continues to run for a shortened statutory period of three (3)
months from the 8/26/93 date.

The following allowable claim is suggested for the purpose of an
interference:

10 A tomato plant which has been regenerated from a tomato plant cell
transformed to comprise a full length Bacillus thuringiensis crystal protein
gene capable of encoding a Bacillus thuringiensis crystal protein of about 130
kD under control of a promoter such that said gene is expressible in said
plant in amounts insecticidal to Lepidopteran insects.

15 The suggested claims must be copied exactly, although other claims
may be proposed under 37 C.F.R. § 1.605(a).

20 APPLICANT SHOULD MAKE THE SUGGESTED CLAIM WITHIN TWO MONTHS
FROM THE DATE OF THE ORIGINAL LETTER WHICH WAS SENT 8/26/93.
FAILURE TO DO SO WILL BE CONSIDERED A DISCLAIMER OF THE SUBJECT
MATTER OF THIS CLAIM UNDER THE PROVISIONS OF 37 C.F.R. § 1.605(a).
THE EXTENSION OF TIME PROVISIONS OF 37 C.F.R. § 1.136(a) DO NOT APPLY
TO THIS TIME PERIOD.

25 Claims 15-44 and 46-52 are considered unpatentable over the above
suggested claim.

Douglas W. Robinson
DOUGLAS W. ROBINSON
SUPERVISOR OF EXAMINERS
ACT 1993
14 Patent Application File Copy